

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 89

HOUSE BILL 2257

AN ACT

AMENDING SECTION 25-409, ARIZONA REVISED STATUTES; RELATING TO CHILD CUSTODY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-409, Arizona Revised Statutes, is amended to
3 read:

4 25-409. Visitation rights of grandparents and
5 great-grandparents

6 A. The superior court may grant the grandparents of the child
7 reasonable visitation rights to the child during his THE CHILD'S minority on
8 a finding that the visitation rights would be in the best interests of the
9 child and any of the following are IS true:

10 1. The marriage of the parents of the child has been dissolved for at
11 least three months.

12 2. A parent of the child has been deceased or has been missing for at
13 least three months. For the purposes of this paragraph, a parent is
14 considered to be missing if the parent's location has not been determined and
15 the parent has been reported as missing to a law enforcement agency.

16 3. The child was born out of wedlock.

17 B. The superior court may grant the great-grandparents of the child
18 reasonable visitation rights on a finding that the great-grandparents would
19 be entitled to such rights under subsection A if the great-grandparents were
20 grandparents of the child.

21 C. In determining the child's best interests the court shall consider
22 all relevant factors, including:

23 1. The historical relationship, if any, between the child and the
24 person seeking visitation.

25 2. The motivation of the requesting party in seeking visitation.

26 3. The motivation of the person denying visitation.

27 4. The quantity of visitation time requested and the potential adverse
28 impact that visitation will have on the child's customary activities.

29 5. If one or both of the child's parents are dead, the benefit in
30 maintaining an extended family relationship.

31 D. If logistically possible and appropriate the court shall order
32 visitation by a grandparent or great-grandparent to occur when the child is
33 residing or spending time with the parent through whom the grandparent or
34 great-grandparent claims a right of access to the child. If a parent is
35 unable to have the child reside or spend time with that parent, the court
36 shall order visitation by a grandparent or great-grandparent to occur when
37 that parent would have had that opportunity.

38 E. A grandparent or great-grandparent seeking to obtain visitation
39 rights under this section shall petition for these rights in the same action
40 in which the parents had their marriage dissolved OR IN WHICH THE COURT
41 DETERMINED PATERNITY OR MATERNITY, or by a separate action in the county
42 where the child resides if no action for dissolution has been filed or the
43 court entering the decree of dissolution OR DETERMINATION OF PATERNITY OR
44 MATERNITY no longer has jurisdiction.

1 F. All visitation rights granted under this section automatically
2 terminate if the child has been adopted or placed for adoption. If the child
3 is removed from an adoptive placement, the court may reinstate the visitation
4 rights. This subsection does not apply to the adoption of the child by the
5 spouse of a natural parent if the natural parent remarries.

APPROVED BY THE GOVERNOR APRIL 23, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2003.

Passed the House February 25, 2003

Passed the Senate April 16, 2003

by the following vote: 60 Ayes,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

0 Nays, 0 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Joyce
Chief Clerk of the House

Charmine Billington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2003

at 1:30 o'clock P. M.

Sandra Ramirez
Secretary to the Governor

Approved this 23 day of

April, 2003

at 2¹⁰ o'clock P. M.

Jon R. Arpaia
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2003,

at 4:07 o'clock P. M.

Janice K. Brewer
Secretary of State